

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

CURTIS STEWART, Register No. 182472,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4204-CV-C-SOW
)	
DAVE DORMIRE, et al.,)	
)	
Defendants.)	

ORDER

On October 24, 2006, the United States Magistrate Judge recommended that plaintiff's claims against L. Wright be dismissed, pursuant to Fed. R. Civ. P. 4(m), and defendants' motions to dismiss be granted, in part, and denied, in part.

The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on November 14, 2006, and by defendants on November 6, 2006. The issues raised in the parties' exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's October 24, 2006 Report and Recommendation is adopted [76]. It is further

ORDERED that plaintiff's claims against L. Wright are dismissed, pursuant to Fed. R. Civ. P. 4(m). It is further

ORDERED that defendants' motions to dismiss are granted, in part, and denied, in part [38, 50, 69, 74]. It is further

ORDERED that defendants' motions to dismiss are granted as to plaintiff's claims against defendants Bainbridge, Bax, Connell, Ellison, Jackson, Richard Jones, Koch, Lewis, Martin, Murphy, Patrick, Pettus, Regain, Swicord, Byron Wood and Wright; claims of retaliation and related claims regarding conduct violations received, denial of access to the

Step-Up Program, equal protection, denial of medical care; and claims seeking reimbursement of monies for confiscated perishable food items, and those claims are dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983. It is further

ORDERED that defendants' motions to dismiss are denied on plaintiff's claims against defendants Branson, Cassady, Clements, Combs, Corser, Crawford, Dormire, Enloe, Freisen, Galloway, Lisa Jones, Long, Ortbal, Reed, Ruppel, Walling, Webster, and Arthur Wood, and plaintiff's corresponding claims regarding double-celling of administrative segregation inmates; failure to protect; conditions of administrative segregation, denial of adequate food, recreation, proper warm clothing for cold weather outdoor recreation, and hygiene supplies; assignment to long-term administrative segregation in lieu of protective custody or transfer; disciplinary policy allowing a cover to be placed over plaintiff's cell door window blocking all light; placement on special security status, as violations of plaintiff's Eighth Amendment right to be free from cruel and unusual punishment; and denial of access to courts.

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: December 12, 2006